

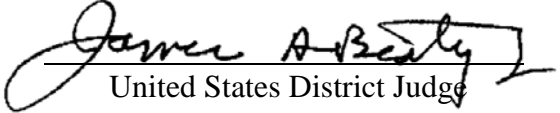
JOHN M. J. MADEY, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:97CV01170  
 )  
 DUKE UNIVERSITY, )  
 )  
 Defendant. )

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith, IT IS ORDERED that Plaintiff's Motion for Leave to File a Sur-Reply [Document #175] is DENIED, and Plaintiff's additional Motion [Document #177] related to documents filed with the proposed Sur-Reply is DENIED as moot. IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [Document #149] is DENIED, but the Court will follow the legal principles and conclusions outlined in the Memorandum Opinion during the trial in this case.

Case 1:97-cv-01170-JAB Document 188 Filed 01/31/06 Page 1 of 2

briefing that may be necessary with respect to the claim construction issues.

This, the 31<sup>st</sup> day of January, 2006.

  
United States District Judge